137

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(L) No. 4738/2007

Petitioners

1. Satanand Sahu, son of Tejram Sahu, aged about 52 years, resident of village and Post Utai, District Durg(CG)
2. Goukaran Sahu, aged about 53 years, son of Late Shri Mehattar Ram Sahu, resident of Plot No. 10/B Chandra Nagar, Umarpoti, District-Durg(CG)
3. Nokhram Sahu, son of Shri Ramkishun Sahu, aged about 55 years, resident of village and post – Kutharel, District Durg(CG)
4. Smt. Rukmani wife of Chait Ram Kumbhakar, Nayapara Durg, Ward No.1, Durg, District Durg(CG)
5. Khedan Ram Verma, son of Jhumuk Ram Verma, aged about 56 years, Shankar Nagar Chhawni, Post Industrial Area Bhialai, District Durg(CG)
6. Ram Prasad Lahre, son of Late Ramdayal aged about 60 years, Ambedkar Nagar, Supela, Durg, District-Durg(CG)
7. Moti Ram Gond, son of Late Dhan Singh aged about 60 years, resident of Balram Chowk, Krishna Nagar, Supela Durg, District Durg(CG)
8. Chamaru Ram Lonhare son of Shri Nandan aged about 61 years, resident of Rajiv Nagar Supela, Durg, District-Durg(CG)
9. Bhuneshwar Ram Dhruv, aged about 54 years, son of Shri Nainu Ram Yadav, Resident of Mohalla Chhandani Bhilai, District-Durg(CG)
10. Genesh Ram Chelak Son of Bugulu Ram aged about 56 years, resident of Maroda, Tank, Bhilai, District Durg(CG)
11. Gurudas Manikpuri, aged about 54 years son of Achal Das resident o Maroda Tank, Bhilai, District Durg(CG)

138

12. Rajendra Prasad Hardel son of Baldeo aged about 55 years, resident of village Chingari Post Vinayakpur, Durg, District Durg(CG)
13. Abhay Ram Ahir son of Johan Ram aged about 55 years, resident of Luchhipara, Durg, District-Durg(CG)
14. Nemichand Sagar, aged about 48 years, son of Late Sumantri resident of 31-1-H, Risali Sector Bhilai Nagar, District-Durg(CG)
15. Narayan Prasad Dewangan son of Late Jhadu Ram Dewangan, aged about 55 years, resident of Sanjay Nagar, Supela, Durg, District Durg(CG)
16. Vijay Kumar Sahu, son of Late Bishouha Ram Sahu, aged about 54 years, resident of Nayapara, Durg, District-Durg(CG)
17. Sheetal Ram Gond, son of Late Bhagwani aged about 47 years, resident of village and post Nankuthi, Durg, District Durg(CG)
18. Madan Lal Kewat, son of Late Panchu Ram aged about 53 years, resident of Nayapara, Ward No.1, Durg District-Durg
19. Chain Singh Sohwani, son of Late Shyamlal Souwani Panchsheel Nagar, Ward No.1, Durg, District-Durg(CG)
20. Douwaram Thakur, son of Late Paharu Ram Thakur, aged about 61 years, resident of Saraswati Nagar, Ward No. 33, Durg District Durg(CG)

Versus

RESPONDENTS

1 Bhilai Refectories Limited, Bhilai Refectories Plant, through Deputy General Manager, (Incharge) Maroda, Bhilai, District Durg(CG)
2. Deputy Labour Commissioner and Appellate Authority(Under the Payment of Gratuity Act) Raipur CG
3. Assistant Labour Commissioner (Under the Payment of Gratuity Act), District-Durg(CG)

(139)

4. The Collector, District Durg(CG)

5. The Tahsildar(Nazul)/Recovery Officer, District Durg(CG)

6. Rajesh Munat, Minister(Incharge) District Durg(CG) and Minister Department of PWD and Industries, CG State & Dau Kalyan Singh Bhawan(Raipur) CG

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri T.K. Tiwari, counsel for the petitioners.

Shri Yashwant Singh, Government Advocate for the State/respondents No. 2, 3, 4 & 5 on advance copy.

ORAL ORDER
(20.8.2007)

Sunil Kumar Sinha, J.

Heard on admission.

Learned counsel for the petitioners argues that the petitioners had taken voluntary retirement, on account of which, amount of gratuity was to be paid to them. He submits that when the amount was not paid in time, they filed a petition under Section 8 of the Payment of Gratuity Act, 1972 before the concerned authority and the said authority, passed an order for payment of interest also. He submits that the amount of interest comes to Rs.74,63,931/- and ultimately, the matter was referred to the concerned Tehsildar for recovery of the said amount. He further submits that the Recovery Officer, vide its order dated 1.5.2006, passed an order for payment of interest of gratuity amount in 5 installments, which were to be paid every month i.e. a sum of Rs.15 lakhs to be paid every month and the first installment has to be paid before 15th of May, 2006. He also submits that thereafter, the employer filed a writ petition No.2457/2006, in which, High Court passed an order on 10.5.2006, in the following terms:

(140)

Having heard learned counsel for the parties and considering the facts and circumstances of the case, the order of respondent No.3 regarding payment of interest amount in five installments i.e. Rs.15 lakhs each month is modified to the extent that installment amount of Rs.15 lakhs shall be paid with an interval of three months and the first installment shall be paid by 1st of July, 2006.

His submission is that even after passing of this order, on one hand, the installments have not been paid and on the other hand, the Recovery Officer has sent back the concerned file to the Assistant Labour Commissioner, due to which, the payments have not been made and the order passed by this Court is also violated.

After going through the contents of writ petition and hearing the arguments of learned counsel for the petitioners, for the time being, I do not feel any necessity to issue notice in this case in light of the earlier order passed by this Court on 10.5.2006 in W.P.No.2457/2006. There is already an order of this Court that how the amount shall be realized and the concerned authority as well as the depositor both were bound by this order. If they have not complied with this order, the petitioners may take necessary steps for the same.

In view of the above observations, at this stage, learned counsel for the petitioners prays for withdrawal of this petition with a liberty to avail appropriate remedy under the law, including fresh writ petition, if such an exigency arises in future.

The prayer is allowed. The petition is permitted to be withdrawn with the above liberty granted in favour of the petitioners.

Sd/-
Sunil Kumar Sinha
Judge

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